



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of William Weidele,
Deputy Fire Chief (PM3055W),
Newark

CSC Docket No. 2020-975

Examination Appeal

ISSUED: November 20, 2019 (RE)

William Weidele appeals his score on the examination for Deputy Fire Chief (PM3055W), Newark. It is noted that the appellant passed the examination with a final average of 83.850 and ranked eighth on the resultant eligible list.

The subject promotional examination was held on April 16, 2019 and eleven candidates passed. This was an oral examination designed to generate behaviors similar to those required for success in a job. The examination consisted of four scenario-based oral exercises; each was developed to simulate tasks and assess the knowledge, skills and abilities (KSAs) important to job performance. These exercises covered four topic areas: 1) Incident Command – Non-fire Incident, 2) Supervision, 3) Administration, and 4) Incident Command – Fire Incident.

The candidates' responses were scored on technical knowledge and oral communication ability. Prior to the administration of the exam, a panel of Subject Matter Experts (SMEs) determined the scoring criteria, using generally approved fire command practices, fire fighting practices, and reference materials. Scoring decisions were based on SME-approved possible courses of action (PCAs) including those actions that must be taken to resolve the situation as presented. For a performance to be acceptable in the technical component for some scenarios, a candidate needed to present the mandatory courses of action for that scenario. Only those oral responses that depicted relevant behaviors that were observable and could be quantified were assessed in the scoring process.

This examination was given using the chain oral testing process, and candidates were given ten minutes to respond to each question. Candidate responses to each question were rated on a five-point scale (1 to 5) from nil response through optimum according to determinations made by the SMEs. Oral communication for each question was also rated on the five-point scale. This five-point scale includes 5 as the optimal response, 4 as a more than acceptable passing response, 3 as a minimally acceptable passing response, 2 as a less than acceptable response, and 1 as a much less than acceptable response. The appellant received the following scores for the technical component for each question, in order: 2, 4, 4 and 2. He received the scores of 5, 4, 5, and 3 for the oral communication components.

The appellant challenges his score for the technical component for the Administration scenario. As a result, the appellant's test material, video, and a listing of PCAs for the scenario were reviewed.

The Administration scenario indicated that the Mayor wants the fire department's sexual harassment policy updated, and once updated, all members should be trained on the new policy. Question 1 asked what specific actions should be taken to complete this assignment. Question 2 indicated that the mayor wants every firehouse in the city to be in compliance with all sexual harassment policies in anticipation of two females graduating from the academy. This question asked what further actions should be taken given this new information.

For the technical component, the assessor noted that the appellant missed the opportunity to submit the policy/SOG to the Chief/legal/Human Resources for review. On appeal, the appellant argues that he indicated at the start of his presentation that he would go over the SOGs/GOs to update and review them, would report his findings to the Fire Chief, and would notify the legal department. He requests a score of 5.

In reply, in the examination booklet, before the questions the instructions state, "In responding to the questions, as specific as possible. Do not assume or take for granted that general actions will contribute to your score." At the start of his presentation, the appellant stated that he would set up a committee and, "Have all members research, update the policy, what needs to be updated, what needs to be changed. Get the old SOPs, the general orders, go through them, update them. Get all the information back from my committee. Ah, evaluate it, revise it, ah, evaluate it. Inform the Chief of my progress on this ah update." The assessor indicated that the appellant did not submit the policy to the Chief, legal department, and human resources for review as a response to question 2, which was the further actions he would take after the Department expected two females to commence employment. The passage above is in reference to question 1, and the appellant received credit in that question for submitting the new policy to the chief, which was a separate

action. The appellant cannot receive credit in question 2 for something that he did not state in response to question 2. In question 2, the appellant formed another committee and addressed the bathroom use and workout attire issues. He stated, "New SOPs will be ah put out through general notice e-mail. Have all members sign off on them so they are aware and they are held accountable," and "Do a final written report to the Chief on all the findings. What needs to be done, what isn't, and move forward so that when the day comes, when then only pro.. ah, hired females come on, everything is ready to go." For this response, the appellant received credit for distributing the policy to all members. However, this response is insufficient to determine that the appellant submitted the policy/SOG to the Chief/legal/Human Resources for review. Rather, he submitted a report to the Chief of the findings. The appellant did not take the action listed by the assessor, and a holistic view of the presentation does not warrant a score of 5. The appellant's score of 4 for this component will not be changed.

CONCLUSION

A thorough review of appellant's submissions and the test materials indicates that the decision below is amply supported by the record, and the appellant has failed to meet his burden of proof in this matter.

ORDER

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 20th DAY OF NOVEMBER, 2019



Deirdre L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher S. Myers
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: William Weidele
Michael Johnson
Joseph DeNardo
Records Center